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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Bolivia (Plurinational State of), Russian Federation: draft resolution

32/... Human rights and arbitrary deprivation of nationality

The Human Rights Council,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Guided also by article 15 of the Universal Declaration of Human Rights, according to which everyone has the right to a nationality and no one shall be arbitrarily deprived of his or her nationality,

Reaffirming its resolutions 7/10 of 27 March 2008, 10/13 of 26 March 2009, 13/2 of 24 March 2010, 20/4 of 5 July 2012, 20/5 of 16 July 2012 and 26/14 of 26 June 2014, as well as all previous resolutions adopted by the Commission on Human Rights, on the issue of human rights and the arbitrary deprivation of nationality,

Reaffirming also its resolution 19/9 of 22 March 2012, in which it took into consideration the fact that persons without birth registration may be vulnerable to statelessness and associated lack of protection,

Recognizing the authority of States to establish laws governing the acquisition, renunciation or loss of nationality in accordance with international law, and noting that the issue of statelessness is already under consideration by the General Assembly within the broad issue of State succession,

Reaffirming the importance of the Convention on the Status of Stateless Persons and the Convention on the Reduction of Statelessness as a means of preventing and reducing statelessness and ensuring the protection of stateless persons,

Recalling the Convention on the Rights of the Child, in particular its articles 3, 7 and 8, which recognize the principle of the best interests of the child and guarantee the right of the child to be registered immediately after birth and to acquire nationality,

Noting the provisions of other international human rights instruments and international instruments on statelessness and nationality recognizing the right to acquire, change or retain nationality or prohibiting arbitrary deprivation of nationality, inter alia,

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article 5, paragraph (d) (iii), of the International Convention on the Elimination of All Forms of Racial Discrimination, article 24, paragraph 3 of the International Covenant on Civil and Political Rights, articles 1 to 3 of the Convention on the Nationality of Married Women, article 9 of the Convention on the Elimination of All Forms of Discrimination against Women, article 18 of the Convention on the Rights of Persons with Disabilities, the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons, as well as relevant regional instruments,

Noting also general recommendation No. 30 (2004) of the Committee on the Elimination of Racial Discrimination,

Recalling that persons arbitrarily deprived of nationality are protected by international human rights and refugee law, as well as by instruments on statelessness, including, with respect to State parties, the Convention relating to the Status of Stateless Persons and the Convention relating to the Status of Refugees and the Protocol thereto,

Stressing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Recalling General Assembly resolution 70/135 of 17 December 2015, in which the Assembly, inter alia, urged the Office of the United Nations High Commissioner for Refugees to continue its work with regard to identifying stateless persons, preventing and reducing statelessness and protecting stateless persons,

Welcoming the launch in November 2014 by the United Nations High Commissioner for Refugees of the 10-year global #IBelong Campaign to End Statelessness,

Mindful of the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying them to individuals in their populations because of nationality, ethnicity, race, religion or language,

Recalling General Assembly resolutions on the issue of the nationality of natural persons in relation to the succession of States, in particular resolutions 55/153 of 12 December 2000, 59/34 of 2 December 2004, 63/118 of 11 December 2008 and 66/92 of 9 December 2011, in which the Assembly invited States to take into account the provisions of the articles on nationality of natural persons in relation to the succession of States prepared by the International Law Commission in dealing with issues of nationality of natural persons in relation to the succession of States,

Recalling the 2030 Agenda for Sustainable Development,[1] and also recalling its goal 16, target 9, to provide legal identity for all, including birth registration,

Acknowledging that the principle of non-discrimination applies to the interpretation and realization of the right to nationality,

Recognizing that arbitrary deprivation of nationality disproportionately affects persons belonging to minorities, and recalling the work done by the Special Rapporteur on minority issues on the subject of the right to nationality,

Expressing its deep concern at the arbitrary deprivation of persons or groups of persons of their nationality, especially on discriminatory grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

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[1] General Assembly resolution 70/1.

Acknowledging that incidents of discriminatory deprivation of nationality, including without a clear legislative basis or for which a legislative basis was exceptionally created, have been a source of widespread suffering and statelessness in the past,

Noting that some of the situations mentioned above remain unresolved to this day and have led to intergenerational statelessness, which affects the children and grandchildren of those originally deprived of their nationality,

Recalling that arbitrarily depriving a person of his or her nationality may lead to statelessness and, in this regard, expressing concern at various forms of discrimination against stateless persons that may violate the obligations of States under international human rights law,

Emphasizing that the human rights and fundamental freedoms of persons whose nationality may be affected by State succession must be fully respected,

1. *Reaffirms* that the right to a nationality of every human person is a fundamental human right enshrined in, inter alia, the Universal Declaration of Human Rights;

2. *Stresses* that arbitrary deprivation of nationality, especially on discriminatory grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status, including disability, is a violation of human rights and fundamental freedoms;

3. *Emphasizes* that the statelessness of a person resulting from the arbitrary deprivation of his or her nationality cannot be invoked by States as a justification for the denial of other human rights;

4. *Calls upon* States to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, including disability, especially if such measures and legislation render a person stateless;

5. *Urges* States to adopt and implement nationality legislation with a view to avoiding statelessness, consistent with the principles of international law, in particular by preventing arbitrary deprivation of nationality and statelessness as a result of State succession;

6. *Encourages* States to grant their nationality to persons who had habitual residence in their territory before it was affected by the succession of States, especially if those persons would otherwise become stateless;

7. *Notes* that the full enjoyment of all human rights and fundamental freedoms of an individual might be impeded as a result of arbitrary deprivation of nationality, and that such individuals are placed in a situation of increased vulnerability to human rights violations;

8. *Expresses its concern* that persons arbitrarily deprived of nationality may be affected by poverty, social exclusion and limited legal capacity, which have an adverse impact on their enjoyment of relevant civil, political, economic, social and cultural rights, in particular in the areas of education, housing, employment, health and social security;

9. *Reaffirms* that every child has the right to acquire a nationality, and recognizes the special needs of children for protection against arbitrary deprivation of nationality;

10. *Also reaffirms* that the primary purpose of protecting the right of every child to acquire a nationality is to prevent a child from being afforded less protection because he or she is stateless;

11. *Reiterates* that the right to identity is intimately linked to the right of nationality;

12. *Urges* States to register every child's birth, regardless of the child's or the child's parents' nationality, statelessness or legal status, and to ensure that proof of identity is available to all children;

13. *Calls upon* States to observe minimum procedural standards in order to ensure that decisions concerning the acquisition, deprivation or change of nationality do not contain any element of arbitrariness and are subject to review, in conformity with their international human rights obligations;

14. *Urges* States in regulating loss and deprivation of nationality to ensure incorporation in their domestic law of safeguards to prevent statelessness;

15. *Calls upon* States to ensure that such safeguards are implemented and access of persons arbitrarily deprived of their nationality to effective remedies, including, but not limited to, restoration of nationality, is provided;

16. *Also calls upon* States to consider whether loss or deprivation of nationality is proportionate to the interest to be protected by the loss or deprivation, including in the light of severe impact of statelessness, and to consider alternative measures that could be adopted;

17. *Urges* States to refrain from automatically extending the loss or deprivation of nationality to a person's dependents;

18. *Welcomes* the report of the Secretary-General submitted to the Human Rights Council in accordance with its resolution 26/14,[2] and the conclusions and recommendations contained therein;

19. *Stresses* that the arbitrary deprivation of nationality places children in a situation of increased vulnerability to human rights violations;

20. *Urges* States to ensure that children deprived of nationality enjoy fully their human rights, including the rights to an identity, education, health, an adequate standard of living, family life and freedom of movement;

21. *Also urges* States to ensure that children deprived of nationality are protected at all times against all human rights violations, including exploitation, trafficking, torture or other cruel, inhuman or degrading treatment and the arbitrary deprivation of liberty;

22. *Encourages* States to consider acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction on Statelessness if they have not already done so;

23. *Welcomes* the ongoing efforts made in the field of reduction of statelessness and combating arbitrary deprivation of nationality by different United Nations bodies and entities and human rights treaty bodies;

24. *Urges* relevant United Nations human rights mechanisms and appropriate treaty bodies, and encourages the Office of the United Nations High Commissioner for Refugees, to continue to collect information on the issue of human rights and arbitrary

[2] A/HRC/31/29.

deprivation of nationality from all relevant sources, and to take account of such information, together with any recommendations thereon, in their reports and activities conducted within their respective mandates;

25. *Encourages* States to cooperate fully with such international initiatives as the global #IBelong Campaign to End Statelessness, and to respect their commitments under the 2030 Agenda for Sustainable Development, including goal 16, target 9, which relates to the provision of legal identity for all, including birth registration;

26. *Decides* to continue its consideration of this issue in accordance with its programme of work.